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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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SEP 05 2007

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
WATER UTILITY OF GREATER BUCKEYE
FOR AN EXTENSION OF ITS EXISTING
CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. W-02451A-06-0792

PROCEDURAL ORDER

BY THE COMMISSION:

On December 18, 2006, Water Utility of Greater Buckeye ("WUGB" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an extension of its Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide water utility service to a development known as Montana Vista, located in Maricopa County, Arizona.

On December 21, 2006, WUGB filed Supplemental Exhibits to its application.

On January 6, 2007, the Commission's Utilities Division ("Staff") filed an Insufficiency Letter in this docket.

On January 19, 2007, WUGB filed an updated legal description.

On March 19, 2007, WUGB filed its Response to Staff's Insufficiency Letter.

On April 5, 2007, Staff filed its second Insufficiency Letter.

On June 4, 2007, WUGB filed its Response to Staff's second Insufficiency Letter.

On July 3, 2007, Staff filed a Sufficiency Letter in this docket indicating WUGB's application had met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held on **October 25, 2007, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

1 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
2 105, except that all Motions to Intervene must be filed on or before **October 9, 2007**.

3 IT IS FURTHER ORDERED that **objections to any Motions to Intervene** must be filed no
4 later than **October 19, 2007**.

5 IT IS FURTHER ORDERED that WUGB shall provide public notice of the hearing in this
6 matter, in the following form and style, with the heading no less than 10 point bold type and the body
7 no less than 10 point regular type:

8 **PUBLIC NOTICE OF THE HEARING ON THE**
9 **APPLICATION OF WATER UTILITY OF GREATER BUCKEYE FOR**
10 **AN EXTENSION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY**
(Docket No. W-02451A-06-0792)

11 On December 18, 2006, Water Utility of Greater Buckeye ("WUGB" or "Applicant")
12 filed with the Arizona Corporation Commission ("Commission") an application for an
13 extension of its Certificate of Convenience and Necessity ("Certificate") to provide
14 water utility service to a development known as Montana Vista, located in Maricopa
15 County, Arizona. The Commission's Utilities Division ("Staff") has not yet made a
16 recommendation regarding WUGB's application, and the Commission is not bound by
17 the proposals made by WUGB, Staff, or any intervenors. The Commission will issue a
18 decision regarding WUGB's application following consideration of testimony and
19 evidence presented at an evidentiary hearing. Copies of the application are available at
20 WUGB's offices [insert address] and the Commission's offices at 1200 West
21 Washington, Phoenix, Arizona, for public inspection during regular business hours and
22 on the internet via the Commission website (www.azcc.gov) using the e-docket
23 function.

24 The Commission will hold a hearing on this matter beginning **October 25, 2007, at**
25 **10:00 a.m.**, at the Commission's offices, 1200 West Washington, Phoenix, Arizona.
26 Public comments will be taken on the first day of the hearing. Written public
27 comments may be submitted via email (visit
28 <http://www.azcc.gov/utility/cons/index.htm> for instructions), or by mailing a letter
referencing Docket Number W-02451A-06-0792 to: Arizona Corporation
Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ
85007.

29 The law provides for an open public hearing at which, under appropriate
30 circumstances, interested parties may intervene. Any person or entity entitled by law
31 to intervene and having a direct and substantial interest in the matter will be permitted
32 to intervene. If you would like to intervene, you must file a written motion to
33 intervene with the Commission, and you must send copies of the motion to the
34 Company or its counsel, and to all parties of record in the case. Your motion to
35 intervene must contain the following:

- 36 1. Your name, address, and telephone number, and the name, address, and
37 telephone number of any party upon whom documents are to be served in
38 your place, if desired.
- 39 2. A short statement of your interest in the proceeding (e.g., a customer of
40 the Company, a shareholder of the Company, etc.).

- 1 3. A statement certifying that a copy of your motion to intervene has been
2 mailed to the Company or its counsel and to all parties of record in the
3 case.

4 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
5 that all motions to intervene must be filed on or before **October 9, 2007**. The granting
6 of intervention, among other things, entitles a party to present sworn evidence at
7 hearing and to cross-examine other witnesses. However, failure to intervene will not
8 preclude any person or entity from appearing at the hearing and making a statement on
9 their own behalf.

10 If you have any questions about this application, you may contact WUGB at [**insert**
11 **telephone number**]. If you wish to file written comments on the application or want
12 further information on intervention you may contact the Consumer Services Section of
13 the Commission at 1200 W. Washington St., Phoenix, AZ 85007, or call 1-800-222-
14 7000.

15 The Commission does not discriminate on the basis of disability in admission to its
16 public meetings. Persons with a disability may request a reasonable accommodation
17 such as a sign language interpreter, as well as request this document in an alternative
18 format, by contacting the ADA Coordinator Linda Hogan, E-mail Lhogan@azcc.gov,
19 voice phone number 602/542-3931. Requests should be made as early as possible to
20 allow time to arrange the accommodation.

21 IT IS FURTHER ORDERED that the Applicant shall **mail to each property owner or**
22 **property owner representative** in the requested extension area a copy of the above notice and shall
23 cause the above notice to be published in a newspaper of general circulation in its service territory,
24 with publication and mailing to be completed no later than **September 21, 2007**.

25 IT IS FURTHER ORDERED that the Applicant shall **file certification of mailing and**
26 **publication** as soon as practicable after the mailing/publication has been completed, but not later
27 than **October 9, 2007**.

28 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
publication of same, notwithstanding the failure of an individual property owner to read or receive
the notice.

IT IS FURTHER ORDERED that Staff shall file a **Staff Report on or before September 24,**
2007.

IT IS FURTHER ORDERED that any **objections to the Staff Report shall be filed on or**
before October 9, 2007.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
Communications) continues to apply to this proceeding as the matter is set for public hearing.

1 IT IS FURTHER ORDERED that all parties must comply with Rule 33(c) and 38(a) of the
 2 Rules of the Arizona Supreme Court with respect to practice of law and admission *pro hac vice*.

3 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
 4 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
 5 Rules of Arizona Supreme Court). Representation before the Commission includes the obligation to
 6 appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter
 7 is scheduled for discussion, unless counsel has previously been granted permission to withdraw by
 8 the Administrative Law Judge or the Commission.

9 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
 10 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
 11 hearing.

12 Dated this 5th day of September, 2007

13
 14
 15 YVETTE B. KINSEY
 16 ADMINISTRATIVE LAW JUDGE

17 Copies of the foregoing mailed/delivered
 18 this 5th day of September, 2007 to:

19 Michael W. Patten
 20 Timothy Sabo
 21 ROSHKA, DEWULF & PATTEN PLC
 22 One Arizona Center
 23 400 E. Van Buren, Suite 800
 24 Phoenix, AZ 85004

ARIZONA REPORTING SERVICE, INC.
 2200 N. Central Ave., Suite 502
 Phoenix, Arizona 85004

22 Christopher Kempley, Chief Counsel
 23 Legal Division
 24 ARIZONA CORPORATION COMMISSION
 1200 West Washington Street
 Phoenix, AZ 85007

25 Ernest G. Johnson, Director
 26 Utilities Division
 27 ARIZONA CORPORATION COMMISSION
 1200 West Washington
 Phoenix, AZ 85007

By:

Debra Broyles
 Secretary to Yvette B. Kinsey